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2009

Application No. 10/589,687
Filed: August 17, 2006
TC Art Unit: 1647
Confirmation No.: 9909

REMARKS

In response to the Restriction Requirement dated April 21, 2008, the Applicants, with traverse, elect Group I (claims 1-11) for prosecution at this time. Applicants reserve the right to request joinder of certain other claims when allowable subject matter is identified.

Claim 1 has been amended herein.

Restriction was on the grounds that claim 1 lacks unity of invention as being anticipated by Wittenmayer et al. The reference teaches that conspicuously low profilin-1 levels are related to the tumorigenic state of the tested cells. In contrast, as shown in the Examples, in the method of the invention, increased (or elevated) profilin-1 levels indicate a positive diagnosis for a disease or condition associated with endothelial cell dysfunction (such as diabetic vascular disease, atherosclerosis, etc. Claim 1 has been amended to make this distinction clear.

Thus, Applicants submit that claim 1 is not anticipated by Wittenmayer et al. and, infact, teaches the exact opposite. Thus, Applicants request that the restriction requirement be withdrawn.

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Applicants submit that all claims are in condition for allowance and such action is requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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